



RE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 42390P13611	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>May 16, 2006</u>.</p> <p>Signature <u>Michelle L Evans</u></p> <p>Typed or printed name <u>Michelle L Evans</u></p>		Application No. 10/076957	Filed February 19, 2002
		First Named Inventor Alex Margulis	
		Art Unit 2634	Examiner Erin M. File
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). NOTE: No more than five (5) pages may be provided.</p> <p>I am the:</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under of 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> Attorney or agent of record. Registration Number <u>42,879</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p><u>Paul A. Mendonsa</u> Signature</p> <p><u>Paul A. Mendonsa</u> Typed or printed name</p> <p><u>(503) 439-8778</u> Telephone Number</p> <p><u>May 16, 2006</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			



ATTORNEY'S DOCKET NO. 42390P13611

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE
APPLICATION OF: Alex Margulis et al.

APPLICATION NO.: 10/076,957

FILED: February 19, 2002

TITLE: RAKE RECEIVER
INTERFACE

ASSIGNEE: INTEL CORPORATION

CONFIRMATION NO.: 2027

ART UNIT: 2634

EXAMINER: Erin M. File

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests review of the final rejection made in the February 16, 2006 Office Action.

I, Michelle L Evans, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 16, 2006.


(Signature of person mailing correspondence)

REASON(S) FOR REQUEST FOR REVIEW

Applicant respectfully requests review of the final rejection of claims 1-2, 12-13, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,792,031 B1 to Sriram et al. ("Sriram").

Applicant notes these rejections were initially made under § 102(b) in the April 25, 2005 Office Action, were made under § 102(e) in the October 4, 2005 Office Action, and were made under § 102(b) in the February 16, 2006 Office Action. Sriram issued on September 14, 2004 and therefore does not qualify as prior art under § 102(b) with respect to the present application which was filed on February 19, 2002. Applicant is responding to these rejections as if they were made under § 102(e).

Independent claims 1, 12, and 26 recite interrupts having a rate of generation per unit time independent of a rate of a transfer of information per unit time.

Applicant respectfully submits that Sriram did not teach or suggest such feature(s) as claimed and has explained on page 8 of the July 25, 2005 Response to Office Action as well as on pages 7-8 of the December 13, 2005 Response to Office Action how Sriram contradicted such feature(s). Essentially, Applicant respectfully submits that Sriram taught that *all* timing is dependent on data transfer rate and that Sriram therefore could not have taught interrupts having a rate of generation per unit time independent of a rate of a transfer of information per unit time.

The February 16, 2006 Office Action states on page 2 that:

* * * the generation of interrupts in response to data transfer is not the same thing as interrupts having a rate of generation per unit time independent of a time rate of the transfer of information per unit time.

Applicant respectfully submits, however, that because interrupts in Sriram are necessarily generated based on timing that is dependent on data transfer rate, then any rate of generation of interrupts is necessarily dependent on data transfer rate. Indeed, Applicant respectfully submits that a change in the rate of data transfer in Sriram would change any rate at which interrupts could be generated.

Applicant therefore respectfully requests withdrawal of these rejections and allowance of the present application.

The Examiner and/or the Panel conducting the review are invited to telephone the undersigned to help expedite the prosecution of this patent application.

Respectfully submitted,

Date: May 16, 2006

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